

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 30 2007

at 4 o'clock and 30 min. P.M.  
SUE BEITIA, CLERK

Rick Vo #95795 - 012  
Taft Correctional Institution  
P.O.Box 7001  
Taft, CA. 93268

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

UNITED STATES OF AMERICA )

VS. )

CASE NO. CR.02-00411 ACK

RICK VO )

MOTION TO EXTEND DEADLINE FOR FILING

OF MOTION UNDER 28 § 2255

Petitioner respectfully moves that the time within which he may file a motion under 28 § 2255 to vacate, set aside, or correct a sentence be extended. Petitioner filed, in due time and within the deadline, said motion, by placing motion in the Taft Correctional Institution mailbox on November 19, 2006. Motion, however, was not received by District Court nor A.U.S.A. as of January 16, 2007. Petitioner's mother checked with court clerk and was advised that no motion was received.

If the district court should decide that an extension of time can not be granted, then petitioner moves that the District Court accept the enclosed motion as filed within said deadline, and deem motion as being filed as timely. See attached affidavit.

DATED:

1-21-07

Respectfully submitted,

Petitioner

*[Signature]*